

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MANUEL SANTOS,

Defendant.

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8:10-cr-00306-LSC-FG3

ORDER

This matter is before the court on the defendant's motion (Doc. 22) to continue the trial now set for November 30, 2010 because counsel are "still engaged in discovery and negotiations." The defendant also submitted an affidavit authorizing his attorney "to continue working on [defendant's] criminal case." The court finds that the defendant has not demonstrated why discovery and plea negotiations cannot be concluded prior to November 30, 2010. Nor do the defendant's motion and affidavit comply with the requirements of NECrimR 12.1<sup>1</sup>.

Because the defendant's motion does not state facts demonstrating that the ends of justice served by a continuance outweigh the best interests of the public and the defendant in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A),

**IT IS ORDERED** that defendant's Motion to Continue Trial Date (Doc. 22) is denied.

A party may object to this order by filing an "Objection to Magistrate Judge's Order" no later than **November 22, 2010**. The objecting party must comply with all requirements of NECrimR 59.2.

**DATED November 18, 2010.**

**BY THE COURT:**

**s/ F.A. Gossett, III**  
**United States Magistrate Judge**

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<sup>1</sup>Under NECrimR 12.1(a), if the defendant is the moving party, a motion to continue trial must be accompanied by the defendant's affidavit or declaration, see 28 U.S.C. § 1746, stating that the defendant: (1) was advised by the defense attorney of the reasons for seeking a continuance; (2) understands that the time requested in the extension may be excluded from any calculation of time under the Speedy Trial Act, 18 U.S.C. §§ 3161-3174; and (3) with this understanding and knowledge, agrees to the filing of the motion.